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The company was required on *quo warranto* to suspend all further business in the state unless it complied with certain conditions specified in the decree. Rather than lose the profits of contracts to supply books to certain persons in the state for sale to the pupils in the schools of the state before Sept. 15th, and to avoid stipulated penalties for failure to supply the same, the company obeyed the requirements of the decree. There were other suits by the state against the company pending at the time this decree was rendered, and involving the same issues that were determined in the first case. To avoid the effect of the judgment in the first case as an estoppel concerning these issues in the latter cases, an appeal was prosecuted from the first judgment after it had been complied with. In answer to the objection that the suit had been disposed of and the court could not sit in decision of moot questions, appellants urged that they were coerced to make satisfaction. This was held no reason for continuing the litigation after it had been settled. The court said: "A judgment usually has a coercive effect, and necessarily presents to the party against whom it is rendered, the consideration whether it is better to comply or continue the litigation."

It will be seen that when the later cases come on for trial, the defendant will not be permitted to try the merits of the old issues, though the subject-matter of the later actions is not the same as in the first suit.

WHEN GOVERNMENT SURVEYS ARE NOT CONCLUSIVE.—In *Security Land & Exploration Company v. Burns*, 24 Sup. Court Rep. 425, the supreme court of the United States has recently affirmed the judgment of the supreme court of Minnesota (see 87 Minn. 97, 91 N. W. 304, 94 Am. St. R. 684) holding that, while meander lines are not, generally, boundary lines, yet the boundaries of a fractional lot cannot be indefinitely extended to the shores of a lake appearing by the government surveyor's plat to bound the fractional lot, when in fact the lake never existed at substantially the place indicated on the plat.

It is clear that the original survey of this land was fraudulent (see the map in *Kirwan v. Murphy*, 189 U. S. 35), but the plaintiff, claiming as successor in title to earlier patentees, contends that its lots should front on the water because by the plat they were shown to abut on it; and that the lake should be taken as the boundary in accordance with the general rules that references to natural monuments in descriptions control statements as to courses, distances and quantity with which they conflict, and that meander lines are not boundary lines. The court, however, follows *French-Glenn Live Stock Company v. Springer*, 185 U. S. 47 (see S. C. below 35 Ore. 312, 58 Pac. 102) and holds that these general rules have no application to exceptional cases of this character, but that in such cases the supposed meander line will be taken as the boundary and will mark the limits of the survey if consistent with the other parts of the description; and that thus the patentee will obtain exactly the land described and paid for, but no more. The government is concluded by the survey so far as these lands are concerned, but is not concluded in regard to other lands within the lines of the survey and only claimed because of the alleged existence of a lake which is, and always

has been, more than half a mile away from the land granted. These latter lands may therefore be again surveyed and sold by the government.

The Minnesota survey was not the only one in which surveyors disregarded facts; gross carelessness has been shown in their work in several states. *French-Glenn Live Stock Company v. Springer supra*; *Schlosser v. Hemphill*, 118 Ia. 452; *Carr v. Moore*, 119 Ia. 152; *McBride v. Whitaker* (Neb.), 90 N. W. 966; see 1 MICHIGAN LAW REVIEW 498.

JURISDICTION OVER THE OHIO RIVER.—The jurisdiction over the Ohio river is peculiar in all its aspects, executive, legislative, and judicial. This peculiarity is due to the fundamental compact with Virginia under which Kentucky became a state. The statute by which the district of Kentucky was created, enacted by the legislature of Virginia Dec. 18, 1789, and treated by the United States supreme court as a compact, provided among other things, "that the use and navigation of the river Ohio, so far as the territory of the proposed state, or the territory which shall remain within the limits of this commonwealth, lies thereon, shall be free and common to the citizens of the United States, and the respective jurisdictions of this commonwealth, and of the proposed state on the river as aforesaid shall be concurrent only with the states which may possess the opposite shores of said river."

This provision has been before the courts for construction in a large number of cases, involving very different questions. One of the most recent of these cases is *Wedding v. Meyler* (Feb. 23, 1904), — U. S. —, 24 Sup. Ct. Rep. 322, reversing the same case as decided by the court of appeals of Kentucky and reported in 107 Ky. 310, 53 S. W. 809, 107 Ky. 685, 60 S. W. 20. In this case the Kentucky court held in an action on a judgment recovered in an Indiana court that such judgment was void for want of jurisdiction of the defendant therein, the only service on him being by an Indiana officer on the Ohio river below low water mark on the Indiana shore. In support of this decision it was contended that the jurisdiction of the states north of the river was legislative and executive, but not judicial. The United States supreme court held that the concurrent jurisdiction was complete in both states for every purpose.

It has long been well established that the north shore of the Ohio is the boundary of Kentucky. Riparian owners on the Kentucky side own to low water mark on the north shore. *Indiana v. Kentucky*, 136 U. S. 479, 10 S. Ct. Rep. 1051. Kentucky was permitted in *Henderson Bridge Co. v. Henderson City*, 173 U. S. 592, 19 Sup. Ct. Rep. 553, 43 L. ed. 553, to tax a bridge built by authority of Congress, and resting on the bed of the Ohio. At the same time the jurisdiction of all the states north of the river extends to the south shore for all purposes. It has been held in Indiana that process of its courts may be served anywhere on the river opposite its shore, and that a statute giving a right of action for injuries resulting in death extends to injuries received anywhere on the river opposite the Indiana shore. *Memphis & C. P. Co. v. Pikey*, 142 Ind. 304, 40 N. E. 527. It was recently held in West Virginia that the jurisdiction of the state of Ohio extends to establishing ferries and fixing the charges for ferrying over the river to the West Virginia shore, so that West Virginia cannot punish one acting under such franchise for charging more than is allowed by the West Virginia law. *State v. Faudre* (Nov. 14, 1903), — W. Va. —, 46 S. E. 269. And see *Newport v. Taylor*, 16 B. Mon. (55 Ky.) 699, 787.